

PROB 12B
(7/93)

United States District Court

for the

Eastern District of Washington

**RECEIVED
DISTRICT JUDGE**

AUG 17 2005

**U.S. DISTRICT COURT
WM. FREMMING NIELSEN**

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

**FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

AUG 17 2005

**JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON**

Name of Offender: Darrell Anthony Moyers

Case Number: 2:97CR00123-001

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen

Date of Original Sentence: 6/1/1998

Type of Supervision: Supervised Release

Original Offense: Conspiracy to Distribute Controlled
Substances, 21 U.S.C. § 840(a)(1)

Date Supervision Commenced: 1/10/2001

Original Sentence: Prison - 36 Months; TSR - 60
Months

Date Supervision Expires: 1/9/2006

PETITIONING THE COURT

To modify the conditions of supervision as follows:

- 18 You shall participate in the home confinement program for 240 days. You shall abide by all the requirements of the program, which will include electronic monitoring or other location verification system. You shall pay all or part of the costs of the program based upon your ability to pay. You are restricted to your residence at all times except for employment, education, religious services, medical, substance abuse, or mental health treatment, attorney visits, court appearances, court-ordered obligations, or other activities as pre-approved by the supervising probation officer.

CAUSE

On August 12, 2005, this officer was reviewing the defendant's home confinement activity and noticed unusual departures and arrivals in the defendant's electronic monitoring events logs. This officer then contacted Mr. Moyers by telephone and discovered the defendant was at a car wash rather than at work. When confronted, Mr. Moyers reported he had been laid off from his employment due to financial cut backs. The defendant had not reported this change in employment as required by Standard Condition #6. Further investigation revealed numerous unauthorized absences by Mr. Moyers from his residence from July 1, 2005, through August 12, 2005. The defendant's daily leave schedule was for employment only. The defendant has also failed to submit monthly supervision reports for May, June, and July 2005.

Mr. Moyers was confronted on these violations on August 15, 2005. He claimed he was working "odd jobs" for his fiancée's family, but could not provide documentation for these absences. The defendant stated he did not remember needing to report changes in employment and said he thought he did not need to submit monthly reports to the probation office while on home confinement.

Prob 12B

Re: Moyers, Darrell Anthony

August 15, 2005

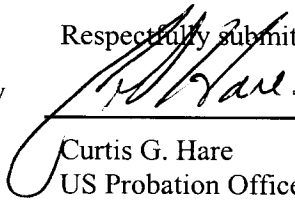
Page 2

On August 15, 2005, Mr. Moyers signed a waiver of hearing, agreeing to modify his conditions of supervised release to increase his home confinement from 180 days to 240 days. Mr. Moyers stated that he now clearly understands the conditions of his supervision and the requirements of the home confinement program. The additional 60 days of home confinement will make up for the time the defendant was in violation and provide some penalty for his noncompliance. The additional 60 days home confinement will be completed prior to the end of Mr. Moyers' supervision.

It is respectfully requested the Court adopt the attached waiver of hearing to modify as outlined above. If the Court requires further information please contact this officer at (509) 376-7467, extension 223.

Respectfully submitted,

by


Curtis G. Hare

US Probation Officer/EM Specialist

Date: August 15, 2005

THE COURT ORDERS

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other


Signature of Judicial Officer


Date

United States District Court

Eastern District of Washington

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

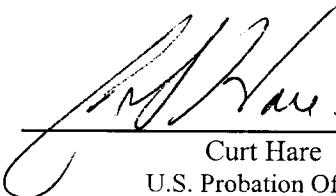
I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

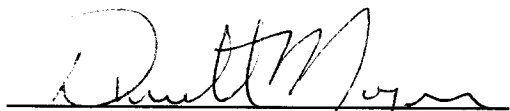
To modify the conditions of supervision as follows:

- 18 You shall participate in the home confinement program for 240 days. You shall abide by all the requirements of the program, which will include electronic monitoring or other location verification system. You shall pay all or part of the costs of the program based upon your ability to pay. You are restricted to your residence at all times except for employment, education, religious services, medical, substance abuse, or mental health treatment, attorney visits, court appearances, court-ordered obligations, or other activities as pre-approved by the supervising probation officer.

Witness:


Curt Hare
U.S. Probation Officer

Signed:


Darrell Anthony Moyers
Probationer or Supervised Releasee

August 15, 2005

Date